

By: Smith

H.B. No. 464

A BILL TO BE ENTITLED

AN ACT

relating to the creation of criminal law magistrates for Grayson County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 54, Government Code, is amended by adding Subchapter RR to read as follows:

SUBCHAPTER RR. GRAYSON COUNTY CRIMINAL MAGISTRATES

Sec. 54.2701. AUTHORIZATION; APPOINTMENT; ELIMINATION.

(a) The Commissioners Court of Grayson County may authorize the judges of the district and statutory county courts in Grayson County to appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

(b) The judges of the district and statutory county courts in Grayson County by a unanimous vote may appoint magistrates as authorized by the Commissioners Court of Grayson County.

(c) An order appointing a magistrate must be signed by the local presiding judge of the district courts serving Grayson County, and the order must state:

(1) the magistrate's name; and

(2) the date the magistrate's employment is to begin.

(d) An authorized magistrate's position may be eliminated on a majority vote of the Commissioners Court of Grayson County.

Sec. 54.2702. QUALIFICATIONS; OATH OF OFFICE. (a) To be eligible for appointment as a magistrate, a person must be a

1 resident of this state and:

2 (1) have served as a justice of the peace or municipal
3 court judge for at least four years before the date of appointment;

4 or

5 (2) have been licensed to practice law in this state
6 for at least four years before the date of appointment.

7 (b) A magistrate appointed under Section 54.2701 must take
8 the constitutional oath of office required of appointed officers of
9 this state.

10 Sec. 54.2703. COMPENSATION. A magistrate is entitled to
11 the salary determined by the Commissioners Court of Grayson County.

12 Sec. 54.2704. JURISDICTION. A magistrate has concurrent
13 criminal jurisdiction with the judges of the justice of the peace
14 courts of Grayson County.

15 Sec. 54.2705. POWERS AND DUTIES. (a) The Commissioners
16 Court of Grayson County shall establish the powers and duties of a
17 magistrate appointed under this subchapter. Except as otherwise
18 provided by the commissioners court, a magistrate has the powers of
19 a magistrate under the Code of Criminal Procedure and other laws of
20 this state and may administer an oath for any purpose.

21 (b) A magistrate shall give preference to performing the
22 duties of a magistrate under Article 15.17, Code of Criminal
23 Procedure.

24 (c) The commissioners court may designate one or more
25 magistrates to hold regular hearings to:

26 (1) give admonishments;

27 (2) set and review bail and conditions of release;

1 (3) appoint legal counsel; and

2 (4) determine other routine matters relating to
3 preindictment or pending cases within those courts' jurisdiction.

4 (d) In the hearings described by Subsection (c), a
5 magistrate shall give preference to the case of an individual held
6 in county jail.

7 (e) A magistrate may inquire into a defendant's intended
8 plea to the charge and set the case for an appropriate hearing
9 before a judge or master.

10 Sec. 54.2706. JUDICIAL IMMUNITY. A magistrate has the same
11 judicial immunity as a district judge.

12 Sec. 54.2707. WITNESSES. (a) A witness who is sworn and
13 who appears before a magistrate is subject to the penalties for
14 perjury and aggravated perjury provided by law.

15 (b) A referring court may fine or imprison a witness or
16 other court participant for failure to appear after being summoned,
17 refusal to answer questions, or other acts of direct contempt
18 before a magistrate.

19 SECTION 2. This Act takes effect September 1, 2023.